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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: JAN 04 2011

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, Nebraska Service Center, and now the matter is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner is a manufacturer of drilling machines and seeks to employ the beneficiary permanently in the United States as a head of research and development. The director denied the petition finding that the petitioner had not established its continuing ability to pay the proffered wage as of the priority date of the petition.

The appeal was filed by [REDACTED] who submitted a Form G-28, Notice of Entry of Appearance as Attorney or Representative signed by the petitioner. Ms. [REDACTED] claimed to represent the petitioner as an attorney and a member in good standing of the bar of the Illinois Supreme Court.

The regulation governing representation in filing immigration petitions and/or applications with United States Citizenship and Immigration Services (USCIS) is found at 8 C.F.R. § 103.2(a)(3), which provides in pertinent part that:

(3) *Representation.* An applicant or petitioner may be represented by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.

The regulation at 8 C.F.R. § 1.1(f) states:

The term attorney means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law.

On July 27, 2010, this office served the petitioner a request for evidence (RFE). Among the other things, the AAO advised that Ms. [REDACTED] eligibility to represent the petitioner in this case before the United States Citizenship and Immigration Services (USCIS) cannot be verified, according to the official website for the Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois and requested for a copy of a current Illinois Bar Admission Certificate or Card or a member in good standing of the bar of the Illinois supreme Court for [REDACTED]. The petitioner and Ms. [REDACTED] were provided 12 weeks in which to reply and advised that failure to respond would result in the appeal being rejected as improperly filed. However, the AAO has not received any response as of this date, more than 20 weeks later. Therefore, the petitioner and Ms. [REDACTED] failed to establish that she is an attorney in the United States as defined in the regulation at 8 C.F.R. § 1.1(f) or an accredited representative by the BIA under the regulation at 8 C.F.R. § 292.1(a)(4) through the procedures set forth by the regulation at 8 C.F.R. § 292.2.

The appeal has not been filed by the petitioner, an authorized representative or any entity with legal standing in the proceeding, but rather by an unauthorized person. Therefore, the appeal has not been properly filed and must be rejected. 8 C.F.R. § 103.2(a)(2)(v)(A)(i).

ORDER: The appeal is rejected.

Cc:

